IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 15600 of 2007(F)

PETITIONER:

N.KRISHNAN NAIR, RETD.SUB REGISTRAR,
CHALAI, RESIDING AT POURNAMI, OOKODE,
NEMAM, THIRUVANANTHAPURAM.

BY ADV. SMT.P.V.ASHA

RESPONDENTS:

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1. INSPECTOR GENERAL OF REGISTRATION,
THIRUVANANTHAPURAM.

2. DISTRICT REGISTRAR (GENERAL),
THIRUVANANTHAPURAM.

3. ACCOUNTANT GENERAL (A&E), KERALA,
THIRUVANANTHAPURAM.

4. TREASURY OFFICER, PRINCIPAL
SUB TREASURY, FORT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE LETTER NO.P10-REVN/199/AP/04-05 DATED 31.1.05 OF THIRD RESPONDENT

EXT.P2- TRUE COPY OF THE LETTER NO.E3.2882/03 DATED 6.11.06 OF 2ND RESPNDENT

(TRUE COPY)

P.A TO JUDGE

V.GIRI, J

W.P.(C).15600/2007

Dated this the 14th day of December, 2007

JUDGMENT

Petitioner, who retired on 30.4.2003, is aggrieved by the fact that a liability certificate, after a period of three years of his retirement, has been issued to him for an amount of Rs.31,823/-, by the second respondent. But the said amount has been withheld from the DCRG payable to him and the remaining amount payable as DRCG has been disbursed.

2. By Ext.P2 dated 6.11.2006, a provisional liability certificate for the aforementioned certificate, was forwarded to the petitioner. Even that was obviously beyond the period of three years. Petitioner objected to Ext.P2, which has been challenged in this writ petition, essentially on the premise that the same was issued beyond the period of three years.

3. In the counter affidavit filed on behalf of the first respondent, it is stated that the petitioner's provisional

liability was fixed as Rs.31,823/- and the provisional liability certificate was forwarded on 6.11.2006. In the circumstances, it therefore, seems to be clear that no liability as such was fixed with notice to the petitioner within a period of three years from the date of his retirement. Therefore, DCRG cannot be withheld beyond the period of three years. Liability, if any, will have to be fixed within a period of three years from the date of retirement, to be recovered from the Death-Cum-Retirement Gratuity.

4. Under such circumstances, writ petition is disposed of directing the first respondent to pass orders disbursing the amount of Rs.31,823/- being the balance amount to be paid by way of DCRG, within a period of one month from the date of receipt of a copy of this judgment. Petitioner’s claim for interest is left open to be agitated in other appropriate proceedings. This shall be without prejudice to the Government's right to take

appropriate steps to recover any loss that may have been caused to them, in accordance with law.

V.GIRI,
Judge

mrcs